wherein B is $-(CH_2)_n$-Ar or $-\overset{O}{\overset{\|}{C}}$-Ar.

REMARKS

Reconsideration of this application is requested in view of the amendments to the specification and claims and the remarks presented herein.

The claims in the application are claims 1 to 4 and 6 to 13, all other claims having been cancelled. It is noted that claims 6 and 13 were deemed to be drawn to allowable subject matter. The claims have now been renumbered consecutively with the specification.

Claims 1 to 4 and 7 to 12 were rejected under 35 USC 112, second paragraph as being indefinite for the reasons set out in paragraphs a to g of the office action.

Applicants respectfully traverse these grounds of rejection since the amended claims are believed to comply with 35 USC 112. With respect to objection a, the definition of b has been corrected to insert an "OR" at the appropriate place. Claim 7 has been amended to insert the appropriate parenthesis and to correct the typographical error with respect to the hydroxymethyl substituent which should have been "18-hydroxymethyl substituent" and not "17" as can be seen from Example 2. Claims 10 and 11 have been amended

to indicate that the warm-blooded animals are in need thereof. Claim 12 and page 5 have been amended to insert a hydrogen that was missing from the nitrogen atom. The term "formula" has been inserted for the term "formulae" to correct the Examiner's objection thereto and reference has been inserted to refer to a compound of Formula I which therefor provides antecedent basis for R and B. Therefore, the amended claims are believed to comply with 35 USC 112 and withdrawal of this ground of rejection is requested.

Claims 1 to 5 and 7 to 11 were rejected under 35 USC 102 as being anticipated by the Phan WO 99/21871 reference and Phan U.S. Patent No. 6,124,269 and were also objected to under 35 USC 103 as being obvious over the two references. The Examiner states that Phan teaches the compounds wherein A is nitrogen, R, R_1 and R_2 are hydrogen, Hal is fluorine, chlorine or bromine and Z is hydrogen or -CO-phenyl.

Applicants respectfully traverse this ground of rejection since the amended claims no longer read upon the compounds wherein R is hydrogen and therefore, the references do not encompass Applicants' compounds. Moreover, there is no suggestion whatsoever in the Phan patents to prepare the compounds of Formula I wherein R is $-(CH_2)_n$-OB whatever the definition would be. Therefore, there is no equivalency between the two references and Applicants' claims and withdrawal of these grounds of rejection is requested.

In view of the amendments to the specification and claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

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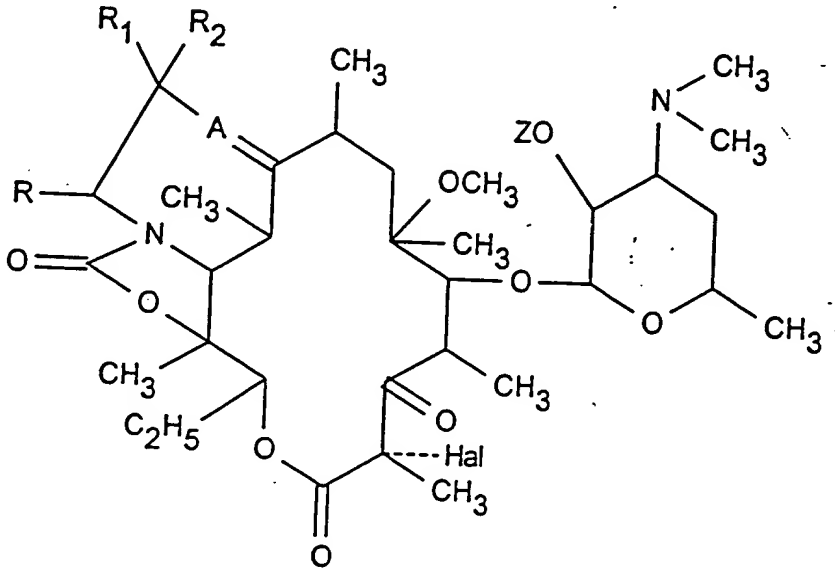
WHAT WE CLAIM IS:

1. A compound selected from the group consisting of a compound of the formula



I

wherein A is nitrogen or N→O, R_1 and R_2 are individually selected from the group consisting of hydrogen and alkyl of 1 to 18 carbon atoms, R is ~~selected from the group consisting of hydrogen and~~ $-(CH_2)_mOB$, Hal is halogen, m and n are individually an integer from 1 to 8, B is hydrogen or $-C(=O)-Ar$ or $-(CH_2)_n-Ar$, Ar is a mono- or polycyclic aryl or heteroaryl, Z is hydrogen or acyl of an organic carboxylic acid of up to 18 carbon atoms and its non-toxic, pharmaceutically acceptable acid addition salts.

2. A compound of claim 1 wherein R_1 and R_2 are hydrogen.

3. A compound of claim 1 wherein A is nitrogen.

4. A compound of claim 1 wherein Hal is fluorine.

5. A compound of claim 1 wherein R is hydrogen.

6. A compound of claim 1 wherein R is $-CH_2OH$.

7. A compound of claim 1 selected from the group consisting of [3aS-(3aR*,4S*,7R*,9S*,10S*,11S*,13S*,15S*,15aS*)]-4-ethyl-7-fluoro-3a,4,10,11,12,13,15,15a-octahydro-11-methoxy-3a,7,9,11,13,15-hexamethyl-10-[[3,4,6-trideoxy-3-(dimethyl-amino)-.beta.-D-xylo-hexopyranosyl]oxy]-14,1-(nitriloethano)-2H-oxacyclotetradecino[4,3-d]oxazole-2,6,8(9H)-trione and

[3aS-(3aR*,4S*,7R*,9S*,10S*,11S*,13S*,15S*,15aS*,17R*)]-4-ethyl-7-fluoro-3a,4,10,11,12,13,15,15a-octahydro-17-(18-hydroxymethyl)-11-methoxy-3a,7,9,11,13,15-hexamethyl-10-[[3-4,6-trideoxy-3-(dimethylamino)-.beta.-D-xylohexopyranosyl]oxy]-14,1-(nitriloethano)-2H-oxacyclotetradecino[4,3-d]oxazole-2,6,8(9H)-trione.

8. An antibiotic composition comprising an antibiotically effective amount of a compound of claim 1 and an inert pharmaceutical carrier.

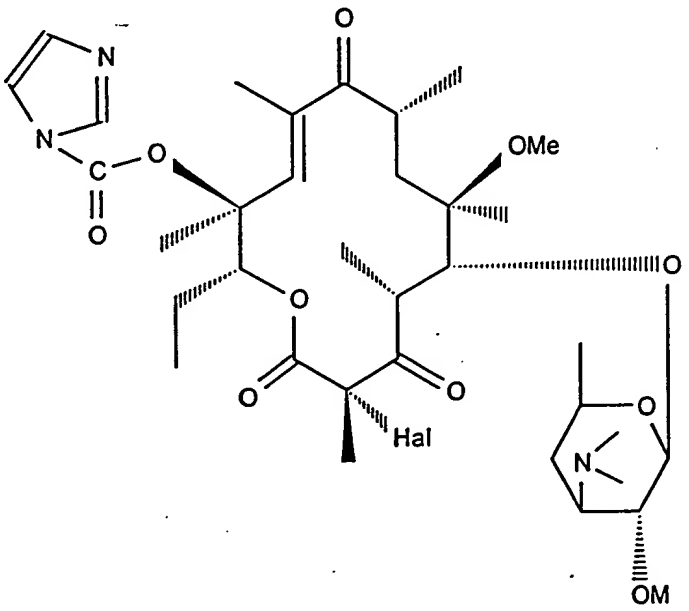
9. An antibiotic composition comprising an antibiotically

effective amount of a compound of claim 7 and an inert pharmaceutical carrier.

10. A method of treating bacterial infections in warm-blooded animals comprising administering to warm-blooded animals an antibiotically effective amount of a compound of claim 1.

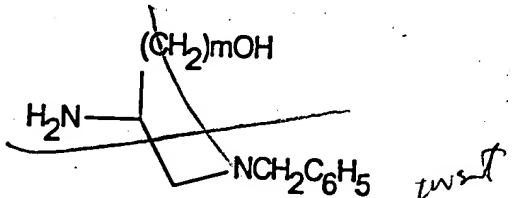
11. A method of treating bacterial infections in warm-blooded animals comprising administering to warm-blooded animals an antibiotically effective amount of a compound of claim 7.

12. A process for the preparation of a compound of claim 1 comprising reacting a compound of the formula



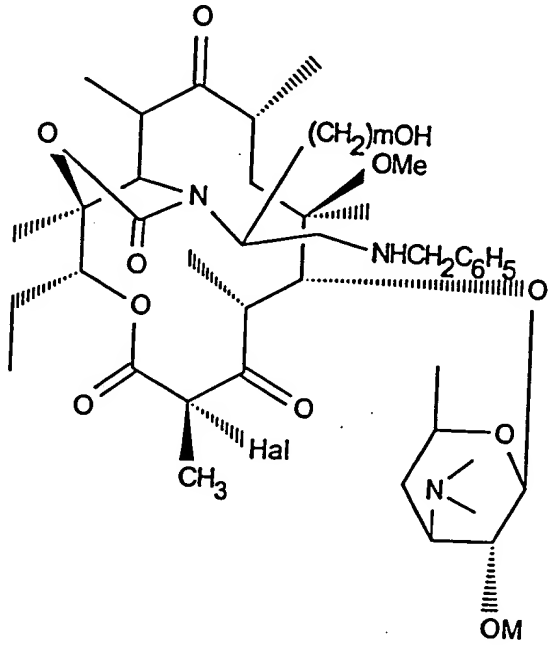
II

wherein Hal is halogen and OM is a protected hydroxyl with a compound of the formula



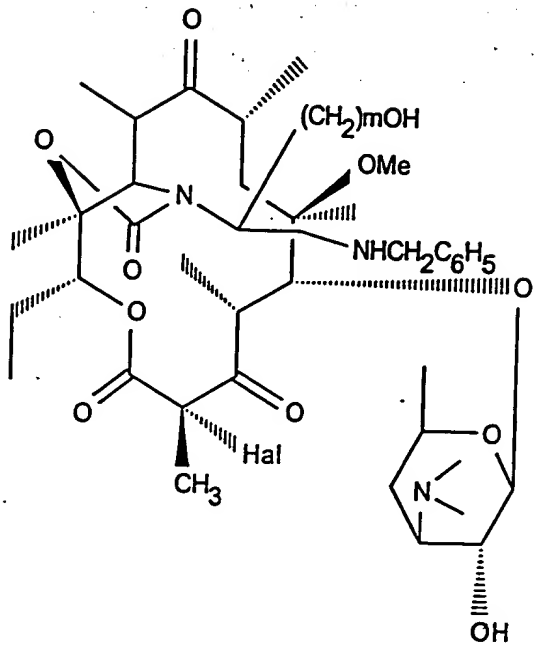
III

wherein m is an integer from 1 to 8 to obtain a compound of the formula



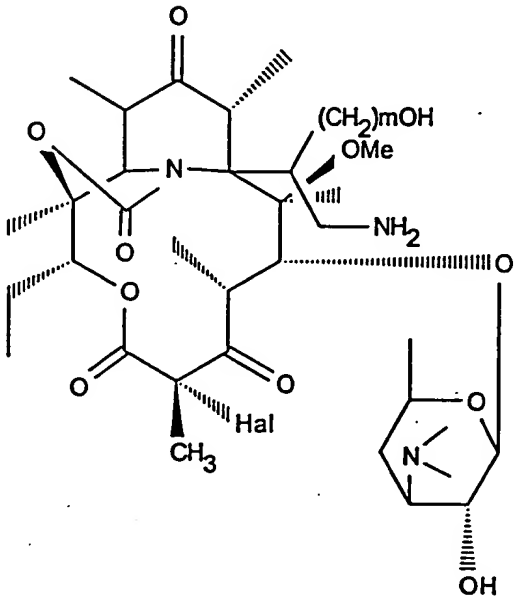
IV

deprotecting the 2′-hydroxyl to obtain a compound of the formula



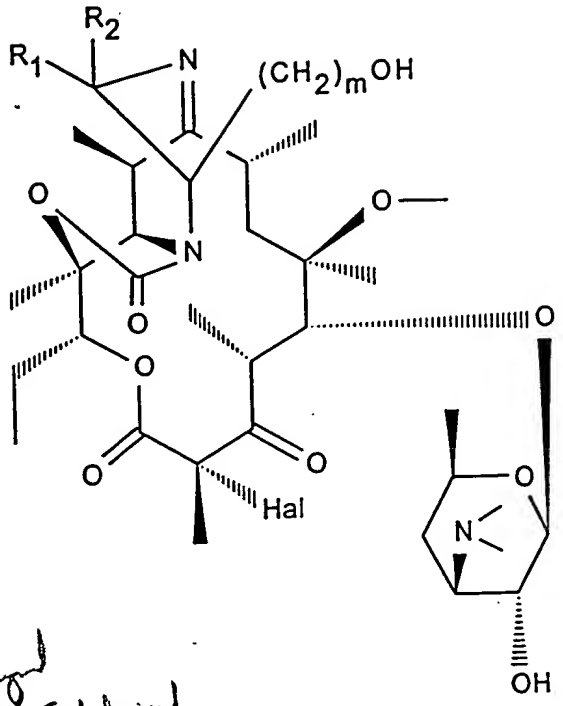
V

reacting the latter with a debenzylating agent to obtain a compound of the formula



VI

reacting the latter with a cyclization agent to form a compound of the formulae



IA

corresponding to a compound of formula I of claim 1

wherein R is $-(CH_2)_m-OH$ and optionally subjecting the latter to an aralkylating or acylating agent to obtain a compound of formula I of claim 1 wherein B is $-(CH_2)_n-Ar$ or $-\overset{O}{\overset{\|}{C}}-Ar$.

13. A compound selected from the group consisting of